

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MICHAEL PAUL GRADNEY,

Petitioner,

Case No. 3:18-cv-00490-CL

v.

ORDER

RICHARD IVES, Warden, FCI Sheridan,

Respondent.

MCSHANE, Judge:

Magistrate Judge Mark Clarke filed a Findings and Recommendation (#12), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72. Although neither party filed objections, I reviewed the legal principles *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct. Magistrate Judge Clarke's Findings and Recommendation (#12) is adopted. Gradney's Petition FOR Writ of Habeas Corpus (#1) is GRANTED. Petitioner's criminal judgment is VACATED and the case is remanded to the United States District Court for the Western District of Washington for resentencing.

IT IS SO ORDERED.

DATED this 17th day of May, 2019.

/s/ Michael J. McShane
Michael McShane
United States District Judge